

FILED

2022 FEB 22 AM 11:25

IN SUPERIOR COURT  
JEFFERSON COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR Jefferson COUNTY

FIRST AMENDED STANDING ORDER

*Eviction Resolution Pilot Program (ERPP)<sup>1</sup>*

*Effective February 22, 2022 through June 30, 2023<sup>2</sup> unless modified by the Court.*

1. **Findings. It is recognized that:**

- A. Findings from the previous ERPP standing order are incorporated by reference if consistent with this amended order. Evictions for non-payment of rent were permitted to resume as of November 1st, 2021. As a result, Jefferson County Superior Court anticipates a significant increase in eviction cases and hearings.
- B. (1) Rental assistance programs are operational in this county and (2) the Dispute Resolution Center(s) (DRC) providing ERPP services are operational in this county. See Peninsula Dispute Resolution Center, 319 S. Peabody St., Port Angeles, WA 98362; Phone: (360) 452-8024. <https://pdrc.org/>.

<sup>1</sup> ERP changed to ERPP given language in ch. 115, Laws of 2021, Sec. 7.

<sup>2</sup> Per ch. 115, Laws of 2021, Sec. 7(9).

1 C. This Court has determined it appropriate to issue this standing order pursuant to the  
2 Supreme Court General order to establish an Eviction Resolution Pilot Program  
3 (ERPP) to divert unlawful detainer cases from the docket and facilitate both pre-filing  
4 and post-filing resolution of cases where the principal issue in context is non-payment  
5 of rent.

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7 **2. Order.**

8 **A. ERPP Administration.**

9 The Court designates that Judge Keith C. Harper will serve as  
10 the procedural point person to work with relevant stakeholders on the implementation  
11 and ongoing administration of the ERPP and such designation has been provided to  
12 the Administrative Office of the Courts.  
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15 **B. Landlord/Landlord counsel's Obligations regarding Eviction Resolution.**

16 Prior to commencing an Unlawful Detainer action, by either serving or filing a  
17 summons and complaint based on non-payment of rent, the landlord or landlord's  
18 counsel shall:

19 (i) ***Strictly comply with*** the notice, service, and certification requirements of *RCW*  
20 *59.18.660*; and

21 (ii) meet and confer with the local DRC and the tenant and tenant's attorney (if  
22 applicable) to facilitate the resolution of the issue of nonpayment of rent if the  
23 tenant chooses to participate; and

24 (iii) **At the time of filing a summons and complaint**, the landlord or landlord's  
25 counsel shall file a completed DRC Certificate ERPP Participation as a separate  
26 document with the Court.  
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2 **C. DRC Notification to counsel of ERPP filing.**

3 The DRC shall electronically forward copies of all ERPP Notice of Resource forms  
4 received within 7 days of receipt to the local Northwest Justice Project office.  
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7 **D. DRC Certification of ERPP.**

8 The DRC shall complete and issue the DRC Certificate of ERPP Participation promptly,  
9 once the parties have completed their obligations under *RCW 59.18.620-660* and this  
10 standing order. For purposes of this order, the obligations referenced in this section are  
11 complete whether an agreed resolution is reached through ERPP or not. A copy of the  
12 completed DRC Certificate of ERPP Participation shall be provided to the Landlord  
13 upon completion as defined in this paragraph. The DRC may issue the DRC Certificate  
14 of ERPP Participation under protest and list the reason(s) for the protest. The local  
15 DRC may add relevant language to a DRC Certificate of ERPP Participation prior to its  
16 issuance to a landlord that details: whether rent assistance was available at the time of  
17 the engagement (*for example*, did the tenant qualify for rent assistance if known, and  
18 was rent assistance available in the relevant locality at this time); the date the DRC  
19 received the notice and the date on the notice; whether the tenant participated in ERPP  
20 efforts; whether the tenant had counsel during ERPP; whether the DRC was able to  
21 conduct conciliation efforts; and any other relevant information to help the Court  
22 determine whether the matter is ripe for adjudication.  
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24 **The ERPP Notice and Resource Form is available on the Court Website at:**  
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26 <https://www.co.jefferson.wa.us/308/Superior-Court>  
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1       **E. DRC Reporting Obligations.** On a quarterly basis, the local DRC shall provide, to the  
2       Court Administrator and the Judicial Officer designated in section (2)(A) of this order,  
3       the ERPP data/information required by *Ch. 115, Laws of 2021, Sec. 7 (b)-(f)*, in a  
4       useable and readable format.

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6       **F. Initial Hearing Procedures for Unlawful Detainer Cases.**

7       *(i) The Right to Counsel Program has been implemented within this County:* At the  
8       first hearing, the Court will advise the tenant of their right to appointed counsel if  
9       indigent and inquire whether they wish to assert that right. If so, the Court shall either  
10      appoint counsel or refer the tenant to Northwest Justice Project (NJP) or another entity  
11      specified by OCLA to receive orders appointing counsel for eligibility screening (e.g.  
12      eviction defense screening line), unless counsel has previously been appointed for the  
13      tenant. If a tenant is referred for screening, the Court will continue the initial hearing as  
14      determined by the court to allow the litigant to contact assigned counsel and to appear  
15      with counsel and provide the Court with a case status update or proceed to show  
16      cause hearing as determined by the Court.  
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19      *(ii)* At the first hearing, the Court will determine: (a) whether the landlord has complied  
20      with the notice, service, participation, and certification filing requirements of *RCW*  
21      *59.18.660*, and (b) whether the DRC Certificate of ERPP Participation complies with  
22      this Standing Order and *RCW 59.18.620-660* and/or *RCW 59.20*, and (c) whether a  
23      show cause hearing will proceed.  
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26      *(iii)* In non-payment of rent cases where a DRC Certificate of ERPP Participation was  
27      issued along with an agreement between the parties, the Court reserves its ability to  
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1 enforce such agreements, including those that reached agreement on matters  
2 addressed by the rental agreement beyond nonpayment of rent, provided such  
3 agreements comply with *RCW 59.18 and/or RCW 59.20*. The Court further reserves  
4 any lawful discretion to require the parties to return to the DRC to seek further  
5 resolution attempts.  
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7 **G.** Nothing within this order shall be construed to restrain the Court's ability to  
8 exercise lawful discretion. All parties, litigants, attorneys, and agencies referenced  
9 within this order shall comply with all requirements as expressed within this standing  
10 order.  
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12 **H. Superseding Effect.** This order supersedes all prior standing orders issued with  
13 respect to the practice and procedure relating to the Eviction Resolution Pilot Program.  
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15 DATED this 22nd day of February, 2022.

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18 The Honorable  
19 Presiding Judge Keith C. Harper  
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